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13 Attorneys for Plaintiff Sony Corporation

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16 SOUTHERN DIVISION

17 SONY CORPORATION, A Japanese  
18 corporation,

19 Plaintiff,

20 vs.

21 VIZIO INC., A California corporation,  
22 Defendant.

CASE NO. CV-01135-AHS-AN

23 **DECLARATION OF CHARLIE Y.  
24 CHOU IN SUPPORT OF SONY'S  
25 MOTION FOR RECONSIDERATION  
26 OF TRANSFER ORDER**

27 **The Honorable Alicemarie H. Stotler**

28 **Hearing Date and Time: December 8,  
2008, 10:00 a.m.**

1           1.     I am an attorney with the law firm of Quinn Emanuel Urquhart Oliver  
2     & Hedges, LLP, counsel for Sony Corporation ("Sony"). I submit this declaration  
3     in support of Sony's Motion for Reconsideration of Transfer Order. I have personal  
4     knowledge of the facts stated in this declaration, and if called upon to do so, could  
5     and would competently testify thereto.

6           2.     Sony Corporation ("Sony") and Vizio Inc. ("Vizio") met and conferred  
7     regarding Sony's Motion for Reconsideration of Transfer Order on November 13,  
8     2008.

9           3.     Attached hereto as Exhibit A is a true and correct copy (without  
10    exhibits) of Sony's Complaint for Patent Infringement against Westinghouse Digital  
11    Electronics, LLC ("Westinghouse"), dated June 16, 2008.

12          4.     Attached hereto as Exhibit B is a true and correct copy of Sony and  
13    Westinghouse's Joint Stipulation for the Filing of Sony Corporation's First  
14    Amended Complaint.

15          5.     Attached hereto as Exhibit C is a true and correct copy (without  
16    exhibits) of Sony's First Amended Complaint for Patent Infringement against  
17    Westinghouse, dated September 12, 2008.

18          6.     Attached hereto as Exhibit D is a true and correct copy (without  
19    exhibits) of Sony's Complaint for Patent Infringement against Vizio, dated October  
20    10, 2008.

21          7.     Attached hereto as Exhibit E is a true and correct copy of the Notice of  
22    Related Case filed with the Vizio Complaint, dated October 10, 2008.

23          8.     Attached hereto as Exhibit F is a true and correct copy of the Civil  
24    Cover Sheet filed with the Vizio Complaint, dated October 10, 2008.

25          9.     Attached hereto as Exhibit G is a true and correct copy of Judge  
26    Klausner's Order declining transfer of the Vizio action, dated October 24, 2008.

1           10. Attached hereto as Exhibit H is a true and correct copy (without  
2 exhibits) of Sony's First Amended Complaint for Patent Infringement Against  
3 Vizio, dated November 14, 2008.  
4

5 DATED: November 19, 2008

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

6  
7  
8 By Charlie Y. Chou

Charlie Y. Chou  
Attorneys for Plaintiff SONY  
CORPORATION  
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# Exhibit A

**CONFORMED COPY**

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12 Attorneys for Plaintiff Sony Corporation

13  
 14 UNITED STATES DISTRICT COURT  
 15 CENTRAL DISTRICT OF CALIFORNIA  
 16 WESTERN DIVISION

17 SONY CORPORATION, A Japanese  
 18 corporation,

19 Plaintiff,

20 vs.

21 WESTINGHOUSE DIGITAL  
 ELECTRONICS, LLC, A California  
 22 limited liability company,

23 Defendant.

CASE NO. **CV 08-03934**

**COMPLAINT FOR PATENT  
 INFRINGEMENT**

**JURY TRIAL DEMANDED**

2008 JUN 16 PM 3:59  
 CLERK U.S. DISTRICT COURT  
 CENTRAL DIST. OF CALIF.  
 LOS ANGELES

**FILED**

**RGK  
 FMOX**

1 Plaintiff Sony Corporation files this complaint against Westinghouse Digital  
2 Electronics, LLC ("Westinghouse"):

3  
4 **THE PARTIES**

5  
6 1. Plaintiff Sony Corporation ("Sony") is a Japanese corporation with a  
7 principal place of business at 1-7-1, Konan, Minato-ku, Tokyo, Japan.

8 2. Upon information and belief, Westinghouse is a limited liability  
9 company organized under the laws of California and headquartered in Sante Fe  
10 Springs, California. Westinghouse's agent for service of process is listed as  
11 David O. Chen, 12150 Mora Drive, Sante Fe Springs, CA 90670.

12  
13 **JURISDICTION AND VENUE**

14  
15 3. This lawsuit is an action for patent infringement arising under the  
16 patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has jurisdiction  
17 over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

18 4. This Court has personal jurisdiction over Defendant because Defendant  
19 conducts business in the State of California and committed acts of patent  
20 infringement and/or contributed to or induced acts of patent infringement by others  
21 in the Central District of California and elsewhere in California and the United  
22 States.

23 5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391  
24 and 1400 because Defendant regularly conducts business in this judicial district, and  
25 certain of the acts complained of herein occurred in this judicial district. Defendant  
26 offers to sell and sells the accused products in this judicial district.

**THE PATENTS IN SUIT**

6. On July 18, 1995, the USPTO issued U.S. Patent No. 5,434,626 titled "Display Apparatus Displaying Operation Menu" (hereinafter "the '626 patent"). A true and correct copy of the '626 patent is attached hereto as Exhibit A.

7. On December 10, 1996, the USPTO issued U.S. Patent No. 5,583,577 titled "Caption Data Coding/Decoding Systems and Methods that Includes Key Data Indicating Intermediate Levels of Attenuation in the Vicinity of the Caption" (hereinafter "the '577 patent"). A true and correct copy of the '577 patent is attached hereto as Exhibit B.

8. On November 4, 1997, the USPTO issued U.S. Patent No. 5,684,542 titled "Video Subtitle Processing System" (hereinafter "the '542 patent"). A true and correct copy of the '542 patent is attached hereto as Exhibit C.

9. On March 24, 1998, the USPTO issued U.S. Patent No. 5,731,847 titled "Subtitle Encoding/Decoding Method and Apparatus" (hereinafter "the '847 patent"). A true and correct copy of the '847 patent is attached hereto as Exhibit D.

10. On May 12, 1998, the USPTO issued U.S. Patent No. 5,751,373 titled "Television Function Selection Method, Television Receiver and Remove Commander for Television Receiver" (hereinafter "the '373 patent"). A true and correct copy of the '373 patent is attached hereto as Exhibit E.

11. On August 29, 2000, the USPTO issued U.S. Patent No. 6,111,614 titled "Method and Apparatus for Displaying an Electronic Menu having Components with Differing Levels of Transparency" (hereinafter "the '614 patent"). A true and correct copy of the '614 patent is attached hereto as Exhibit F.

12. On April 1, 2003, the USPTO issued U.S. Patent Re-issue No. 38,055 titled "Video Data Bus Communication System and Method" (hereinafter "the '055 patent"). A true and correct copy of the '055 patent is attached hereto as Exhibit G.

13. The '626 patent, '577 patent, '542 patent, '847 patent, '373 patent, '614 patent, and the '055 patent, collectively, are henceforth referred to as the "patents-in-suit."

14. Sony is the owner of all right, title, and interest in and to each of the patents-in-suit with full and exclusive right to bring suit to enforce this patent, including the right to recover for past infringement.

COUNT I

## INFRINGEMENT OF THE '626 PATENT

15. Sony realleges and incorporates herein the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

16. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '626 patent by practicing one or more claims of the '626 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of digital televisions.

17. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe the '626 patent by contributing to and/or actively inducing the infringement by others of the '626 patent by the manufacture, use, offering for sale, sale, and/or importation or exportation of digital televisions.

18. Upon information and belief, Defendant has willfully infringed the '626 patent.

19. Upon information and belief, Defendant's acts of infringement of the '626 patent will continue after service of this complaint unless enjoined by the Court.



1       20. As a result of Defendant's infringement, Sony has suffered and will  
2 suffer damages.

3       21. Sony is entitled to recover from Defendant the damages sustained by  
4 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

5       22. Unless Defendant is enjoined by this Court from continuing its  
6 infringement of the '626 patent, Sony will suffer additional irreparable harm and  
7 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
8 and permanent injunction against further infringement.

9  
10                                   **COUNT II**

11                   **INFRINGEMENT OF THE '577 PATENT**

12  
13       23. Sony realleges and incorporates herein the allegations of the preceding  
14 paragraphs of this Complaint as if fully set forth herein.

15       24. Upon information and belief, in violation of 35 U.S.C. § 271,  
16 Defendant has infringed and is continuing to infringe, literally and/or under the  
17 doctrine of equivalents, the '577 patent by practicing one or more claims of the '577  
18 patent in the manufacture, use, offering for sale, sale, and/or importation or  
19 exportation of digital televisions.

20       25. Upon information and belief, in violation of 35 U.S.C. § 271,  
21 Defendant has infringed and is continuing to infringe the '577 patent by contributing  
22 to and/or actively inducing the infringement by others of the '577 patent by the  
23 manufacture, use, offering for sale, sale, and/or importation or exportation of digital  
24 televisions.

25       26. Upon information and belief, Defendant has willfully infringed the  
26 '577 patent.

27  
28

27. Upon information and belief, Defendant's acts of infringement of the '577 patent will continue after service of this complaint unless enjoined by the Court.

28. As a result of Defendant's infringement, Sony has suffered and will suffer damages.

29. Sony is entitled to recover from Defendant the damages sustained by Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

30. Unless Defendant is enjoined by this Court from continuing its infringement of the '577 patent, Sony will suffer additional irreparable harm and impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary and permanent injunction against further infringement.

### COUNT III

### INFRINGEMENT OF THE '542 PATENT

31. Sony realleges and incorporates herein the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

32. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '542 patent by practicing one or more claims of the '542 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of digital televisions.

33. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe the '542 patent by contributing to and/or actively inducing the infringement by others of the '542 patent by the manufacture, use, offering for sale, sale, and/or importation or exportation of digital televisions.

1       34. Upon information and belief, Defendant has willfully infringed the  
2 '542 patent.

3       35. Upon information and belief, Defendant's acts of infringement of the  
4 '542 patent will continue after service of this complaint unless enjoined by the  
5 Court.

6       36. As a result of Defendant's infringement, Sony has suffered and will  
7 suffer damages.

8       37. Sony is entitled to recover from Defendant the damages sustained by  
9 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

10       38. Unless Defendant is enjoined by this Court from continuing its  
11 infringement of the '542 patent, Sony will suffer additional irreparable harm and  
12 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
13 and permanent injunction against further infringement.

14  
15                                   **COUNT IV**

16                           **INFRINGEMENT OF THE '847 PATENT**

17  
18       39. Sony realleges and incorporates herein the allegations of the preceding  
19 paragraphs of this Complaint as if fully set forth herein.

20       40. Upon information and belief, in violation of 35 U.S.C. § 271,  
21 Defendant has infringed and is continuing to infringe, literally and/or under the  
22 doctrine of equivalents, the '847 patent by practicing one or more claims of the '847  
23 patent in the manufacture, use, offering for sale, sale, and/or importation or  
24 exportation of digital televisions.

25       41. Upon information and belief, in violation of 35 U.S.C. § 271,  
26 Defendant has infringed and is continuing to infringe the '847 patent by contributing  
27 to and/or actively inducing the infringement by others of the '847 patent by the  
28

1 manufacture, use, offering for sale, sale, and/or importation or exportation of digital  
2 televisions.

3 42. Upon information and belief, Defendant has willfully infringed the  
4 '847 patent.

5 43. Upon information and belief, Defendant's acts of infringement of the  
6 '847 patent will continue after service of this complaint unless enjoined by the  
7 Court.

8 44. As a result of Defendant's infringement, Sony has suffered and will  
9 suffer damages.

10 45. Sony is entitled to recover from Defendant the damages sustained by  
11 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

12 46. Unless Defendant is enjoined by this Court from continuing its  
13 infringement of the '847 patent, Sony will suffer additional irreparable harm and  
14 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
15 and permanent injunction against further infringement.

16  
17 **COUNT V**

18 **INFRINGEMENT OF THE '373 PATENT**

19  
20 47. Sony realleges and incorporates herein the allegations of the preceding  
21 paragraphs of this Complaint as if fully set forth herein.

22 48. Upon information and belief, in violation of 35 U.S.C. § 271,  
23 Defendant has infringed and is continuing to infringe, literally and/or under the  
24 doctrine of equivalents, the '373 patent by practicing one or more claims of the '373  
25 patent in the manufacture, use, offering for sale, sale, and/or importation or  
26 exportation of digital televisions.

27 49. Upon information and belief, in violation of 35 U.S.C. § 271,  
28 Defendant has infringed and is continuing to infringe the '373 patent by contributing

1 to and/or actively inducing the infringement by others of the '373 patent by the  
2 manufacture, use, offering for sale, sale, and/or importation or exportation of digital  
3 televisions.

4 50. Upon information and belief, Defendant has willfully infringed the  
5 '373 patent.

6 51. Upon information and belief, Defendant's acts of infringement of the  
7 '373 patent will continue after service of this complaint unless enjoined by the  
8 Court.

9 52. As a result of Defendant's infringement, Sony has suffered and will  
10 suffer damages.

11 53. Sony is entitled to recover from Defendant the damages sustained by  
12 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

13 54. Unless Defendant is enjoined by this Court from continuing its  
14 infringement of the '373 patent, Sony will suffer additional irreparable harm and  
15 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
16 and permanent injunction against further infringement.

17  
18 **COUNT VI**

19 **INFRINGEMENT OF THE '614 PATENT**

20  
21 55. Sony realleges and incorporates herein the allegations of the preceding  
22 paragraphs of this Complaint as if fully set forth herein.

23 56. Upon information and belief, in violation of 35 U.S.C. § 271,  
24 Defendant has infringed and is continuing to infringe, literally and/or under the  
25 doctrine of equivalents, the '614 patent by practicing one or more claims of the '614  
26 patent in the manufacture, use, offering for sale, sale, and/or importation or  
27 exportation of digital televisions.

28

1       57. Upon information and belief, in violation of 35 U.S.C. § 271,  
2 Defendant has infringed and is continuing to infringe the '614 patent by contributing  
3 to and/or actively inducing the infringement by others of the '614 patent by the  
4 manufacture, use, offering for sale, sale, and/or importation or exportation of digital  
5 televisions.

6       58. Upon information and belief, Defendant has willfully infringed the  
7 '614 patent.

8       59. Upon information and belief, Defendant's acts of infringement of the  
9 '614 patent will continue after service of this complaint unless enjoined by the  
10 Court.

11       60. As a result of Defendant's infringement, Sony has suffered and will  
12 suffer damages.

13       61. Sony is entitled to recover from Defendant the damages sustained by  
14 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

15       62. Unless Defendant is enjoined by this Court from continuing its  
16 infringement of the '614 patent, Sony will suffer additional irreparable harm and  
17 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
18 and permanent injunction against further infringement.

19  
20                                   **COUNT VII**

21                           **INFRINGEMENT OF THE '055 PATENT**

22  
23       63. Sony realleges and incorporates herein the allegations of the preceding  
24 paragraphs of this Complaint as if fully set forth herein.

25       64. Upon information and belief, in violation of 35 U.S.C. § 271,  
26 Defendant has infringed and is continuing to infringe, literally and/or under the  
27 doctrine of equivalents, the '055 patent by practicing one or more claims of the '055  
28

1 patent in the manufacture, use, offering for sale, sale, and/or importation or  
2 exportation of digital televisions.

3 65. Upon information and belief, in violation of 35 U.S.C. § 271,  
4 Defendant has infringed and is continuing to infringe the '055 patent by contributing  
5 to and/or actively inducing the infringement by others of the '055 patent by the  
6 manufacture, use, offering for sale, sale, and/or importation or exportation of digital  
7 televisions.

8 66. Upon information and belief, Defendant has willfully infringed the  
9 '055 patent.

10 67. Upon information and belief, Defendant's acts of infringement of the  
11 '055 patent will continue after service of this complaint unless enjoined by the  
12 Court.

13 68. As a result of Defendant's infringement, Sony has suffered and will  
14 suffer damages.

15 69. Sony is entitled to recover from Defendant the damages sustained by  
16 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

17 70. Unless Defendant is enjoined by this Court from continuing its  
18 infringement of the '055 patent, Sony will suffer additional irreparable harm and  
19 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
20 and permanent injunction against further infringement.

21  
22 **PRAYER FOR RELIEF**

23 WHEREFORE, Sony prays for the following relief:

24 (a) That Defendant be ordered to pay damages adequate to  
25 compensate Sony for Defendant's infringement of each of the patents-in-suit  
26 pursuant to 35 U.S.C. § 284;

27 (b) That Defendant be ordered to pay treble damages for willful  
28 infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 284;



1 (c) That Defendant be ordered to pay attorneys' fees pursuant to 35  
2 U.S.C. § 285 for each of the patents-in-suit;

3 (d) That Defendant, its officers, agents, servants, employees, and  
4 those persons acting in active concert or in participation with them be enjoined from  
5 further infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 283;

6 (e) That Defendant be ordered to pay prejudgment interest;

7 (f) That Defendant be ordered to pay all costs associated with this  
8 action; and

9 (g) That Sony be granted such other and additional relief as the  
10 Court deems just and proper.

11 DATED: June 16, 2008

Respectfully submitted,

12  
13  
14 By

 FOR  
Kevin P. B. Johnson  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES, LLP

15  
16 Jaime A. Siegel, Sr. IP Counsel  
SONY CORPORATION OF AMERICA

17  
18 Attorneys for Plaintiff  
SONY CORPORATION OF AMERICA  
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**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury as to all issues so triable.

DATED: June 16, 2008

Respectfully submitted,

By



Kevin P.B. Johnson  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES, LLP

Jaime A. Siegel, Sr. IP Counsel  
SONY CORPORATION OF AMERICA

Attorneys for Plaintiff  
SONY CORPORATION OF AMERICA

# Exhibit B

Case 2:08-cv-03934-RGK-FMO Document 11 Filed 09/12/2008 Page 1 of 4

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Attorneys for Defendant Westinghouse Digital Electronics, LLC

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

SONY CORPORATION, A Japanese  
corporation,

Plaintiff,

vs.

WESTINGHOUSE DIGITAL ELECTRONICS,  
LLC, A California limited liability company,

Defendant.

CASE NO. CV 08-03934-RGK (FMOx)

JOINT STIPULATION FOR FILING OF SONY  
CORPORATION'S FIRST AMENDED  
COMPLAINT FOR PATENT INFRINGEMENT  
AND AGREED PROPOSED SCHEDULE

Case 2:08-cv-03934-RGK-FMO Document 11 Filed 09/12/2008 Page 2 of 4

WHEREAS, Sony Corporation ("Sony" or "Plaintiff") brought an action against Westinghouse Digital Electronics, LLC ("Westinghouse" or "Defendant") for alleged patent infringement, attached hereto as Exhibit A is a copy of Sony's June 16, 2008 Complaint For Patent Infringement and related exhibits;

WHEREAS, Sony intends to amend its complaint to add additional counts of patent infringement; and

WHEREAS, Westinghouse intends to amend its answer;

ACCORDINGLY and for good cause, IT IS HEREBY STIPULATED by and between Sony and Westinghouse, through their respective counsel of record, that:

1. Plaintiff may file its First Amended Complaint For Patent Infringement, a copy of which and related exhibits is attached hereto as Exhibit B, that adds counts for infringement of United States Patent Nos. Reissue 40,468; 6,778,182; and 6,661,472;

2. Plaintiff and Defendant agree to the to the schedule Defendant proposed in the Report of Rule 26(f) Early Meeting of Counsel filed on August 21, 2008 with the exception of the dates relating to a separate claim construction process as set forth below:

Event	Agreed/Proposed Dates	Court Ordered Dates
Initial Disclosures	September 11, 2008	
Last day to amend the pleadings by noticed motion	October 15, 2008	
Last day to add parties by noticed motion	October 15, 2008	
Patentee files opening brief on claim construction	Sony: not necessary. Westinghouse: January 9, 2009	
Accused infringer files responsive brief on claim construction	Sony: not necessary. Westinghouse: February 6, 2009	

51354/2634543.1

-1-

CASE NO. CV 08-03934 - RGK (FMOx)

JOINT STIPULATION FOR FILING OF SONY CORPORATION'S  
FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Case 2:08-cv-03934-RGK-FMO Document 11 Filed 09/12/2008 Page 3 of 4

1	Event	Agreed Proposed Dates	Court Ordered Dates
2	Patentee files reply brief on claim construction	Sony: not necessary. Westinghouse: February 13, 2009	
3			
4	Accused infringer files sur-reply brief on claim construction	Sony: not necessary. Westinghouse: February 20, 2009	
5			
6	Claim Construction Hearing	Sony: not necessary. Westinghouse: March 9, 2009	
7			
8	Fact discovery cut-off	May 20, 2009	
9			
10	Last day to file discovery motions	June 3, 2009	
11			
12	Opening expert reports due	July 17, 2009	
13			
14	Rebuttal expert reports due	August 18, 2009	
15			
16	Expert discovery cut-off	September 16, 2009	
17			
18	Dispositive motion cut-off	October 16, 2009	
19			
20	Pretrial conference	December 7, 2009	
21			
22	Jury trial	December 14, 2009	
23			
24			
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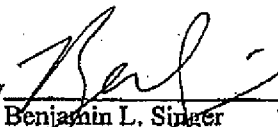
51354/2634543.1

Case 2:08-cv-03934-RGK-FMO Document 11 Filed 09/12/2008 Page 4 of 4

1 DATED: September 12, 2008

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

2  
3  
4 By


  
Benjamin L. Singer

Attorneys for Plaintiff SONY CORPORATION

5 DATED: September 12, 2008

PILLSBURY WINTHROP SHAW PITTMAN LLP

6  
7  
8 By

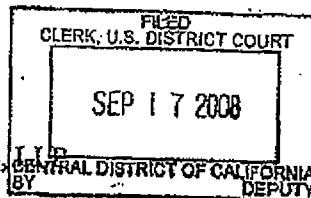
  
Andrew B. Grossman

Attorneys for Defendant WESTINGHOUSE  
DIGITAL ELECTRONICS, LLC

# Exhibit C

CONFORMED

1 Kevin P.B. Johnson (Bar No. 177129)  
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7 Steven M. Anderson (Bar No. 144014)  
 8 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
 9 865 S. Figueroa St. 10th Floor  
 10 Los Angeles, California 90017  
 11 Telephone: (213) 443-3000  
 12 Facsimile: (213) 443-3100

13 Attorneys for Plaintiff Sony Corporation

14 UNITED STATES DISTRICT COURT  
 15 CENTRAL DISTRICT OF CALIFORNIA  
 16 WESTERN DIVISION

17 SONY CORPORATION, A Japanese  
 18 corporation,

19 Plaintiff,

20 vs.

21 WESTINGHOUSE DIGITAL  
 22 ELECTRONICS, LLC, A California  
 23 limited liability company,

24 Defendant.

CASE NO. CV-08-3934 RGK(FMO)

FIRST AMENDED COMPLAINT  
 FOR PATENT INFRINGEMENT

JURY TRIAL DEMANDED

25 Plaintiff Sony Corporation files this complaint against Westinghouse Digital  
 26 Electronics, LLC ("Westinghouse"):

27 THE PARTIES

- 28 1. Plaintiff Sony Corporation ("Sony") is a Japanese corporation with a  
 principal place of business at 1-7-1, Konan, Minato-ku, Tokyo, Japan.
2. Upon information and belief, Westinghouse is a limited liability  
 company organized under the laws of California and headquartered in Sante Fe



1 Springs, California. Westinghouse's agent for service of process is listed as  
2 David O. Chen, 12150 Mora Drive, Santa Fe Springs, CA 90670.

3  
4 **JURISDICTION AND VENUE**

5 3. This lawsuit is an action for patent infringement arising under the  
6 patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has jurisdiction  
7 over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

8 4. This Court has personal jurisdiction over Defendant because Defendant  
9 conducts business in the State of California and committed acts of patent  
10 infringement and/or contributed to or induced acts of patent infringement by others  
11 in the Central District of California and elsewhere in California and the United  
12 States.

13 5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391  
14 and 1400 because Defendant regularly conducts business in this judicial district, and  
15 certain of the acts complained of herein occurred in this judicial district. Defendant  
16 offers to sell and sells the accused products in this judicial district.

17  
18 **THE PATENTS IN SUIT**

19 6. On July 18, 1995, the USPTO issued U.S. Patent No. 5,434,626 titled  
20 "Display Apparatus Displaying Operation Menu" (hereinafter "the '626 patent"). A  
21 true and correct copy of the '626 patent is attached hereto as Exhibit A.

22 7. On December 10, 1996, the USPTO issued U.S. Patent No. 5,583,577  
23 titled "Caption Data Coding/Decoding Systems and Methods that Includes Key Data  
24 Indicating Intermediate Levels of Attenuation in the Vicinity of the Caption"  
25 (hereinafter "the '577 patent"). A true and correct copy of the '577 patent is  
26 attached hereto as Exhibit B.

1           8. On November 4, 1997, the USPTO issued U.S. Patent No. 5,684,542  
2 titled "Video Subtitle Processing System" (hereinafter "the '542 patent"). A true  
3 and correct copy of the '542 patent is attached hereto as Exhibit C.

4           9. On March 24, 1998, the USPTO issued U.S. Patent No. 5,731,847 titled  
5 "Subtitle Encoding/Decoding Method and Apparatus" (hereinafter "the '847  
6 patent"). A true and correct copy of the '847 patent is attached hereto as Exhibit D.

7           10. On May 12, 1998, the USPTO issued U.S. Patent No. 5,751,373 titled  
8 "Television Function Selection Method, Television Receiver and Remove  
9 Commander for Television Receiver" (hereinafter "the '373 patent"). A true and  
10 correct copy of the '373 patent is attached hereto as Exhibit E.

11           11. On August 29, 2000, the USPTO issued U.S. Patent No. 6,111,614  
12 titled "Method and Apparatus for Displaying an Electronic Menu having  
13 Components with Differing Levels of Transparency" (hereinafter "the '614 patent").  
14 A true and correct copy of the '614 patent is attached hereto as Exhibit F.

15           12. On April 1, 2003, the USPTO issued U.S. Patent Re-issue No. 38,055  
16 titled "Video Data Bus Communication System and Method" (hereinafter "the '055  
17 patent"). A true and correct copy of the '055 patent is attached hereto as Exhibit G.

18           13. On August 26, 2008, the USPTO issued U.S. Patent Re-issue No.  
19 40,468 titled "Video Data Bus Communication System and Method" (hereinafter  
20 "the '468 patent"). A true and correct copy of the '468 patent is attached hereto as  
21 Exhibit H.

22           14. On August 17, 2004, the USPTO issued U.S. Patent No. 6,778,182  
23 titled "Display Device" (hereinafter "the '182 patent"). A true and correct copy of  
24 the '182 patent is attached hereto as Exhibit I.

25           15. On December 9, 2003, the USPTO issued U.S. Patent No. 6,661,472  
26 titled "Channel Selection In Digital Television" (hereinafter "the '472 patent"). A  
27 true and correct copy of the '472 patent is attached hereto as Exhibit J.  
28

1 16. The '626 patent, '577 patent, '542 patent, '847 patent, '373 patent, '614  
2 patent, '055 patent, '468 patent, '182 patent, and the '472 patent collectively, are  
3 henceforth referred to as the "patents-in-suit."

4 17. Sony is the owner of all right, title, and interest in and to each of the  
5 patents-in-suit with full and exclusive right to bring suit to enforce this patent,  
6 including the right to recover for past infringement.

7  
8 **COUNT I**

9 **INFRINGEMENT OF THE '626 PATENT**

10 18. Sony realleges and incorporates herein the allegations of the preceding  
11 paragraphs of this Complaint as if fully set forth herein.

12 19. Upon information and belief, in violation of 35 U.S.C. § 271,  
13 Defendant has infringed and is continuing to infringe, literally and/or under the  
14 doctrine of equivalents, the '626 patent by practicing one or more claims of the '626  
15 patent in the manufacture, use, offering for sale, sale, and/or importation or  
16 exportation of display devices, including digital televisions.

17 20. Upon information and belief, in violation of 35 U.S.C. § 271,  
18 Defendant has infringed and is continuing to infringe the '626 patent by contributing  
19 to and/or actively inducing the infringement by others of the '626 patent by the  
20 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
21 devices, including digital televisions.

22 21. Upon information and belief, Defendant has willfully infringed the  
23 '626 patent.

24 22. Upon information and belief, Defendant's acts of infringement of the  
25 '626 patent will continue after service of this complaint unless enjoined by the  
26 Court.

27 23. As a result of Defendant's infringement, Sony has suffered and will  
28 suffer damages.

1 24. Sony is entitled to recover from Defendant the damages sustained by  
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 25. Unless Defendant is enjoined by this Court from continuing its  
4 infringement of the '626 patent, Sony will suffer additional irreparable harm and  
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
6 and permanent injunction against further infringement.

7 **COUNT II**

8 **INFRINGEMENT OF THE '577 PATENT**

9 26. Sony realleges and incorporates herein the allegations of the preceding  
10 paragraphs of this Complaint as if fully set forth herein.

11 27. Upon information and belief, in violation of 35 U.S.C. § 271,  
12 Defendant has infringed and is continuing to infringe, literally and/or under the  
13 doctrine of equivalents, the '577 patent by practicing one or more claims of the '577  
14 patent in the manufacture, use, offering for sale, sale, and/or importation or  
15 exportation of display devices, including digital televisions.

16 28. Upon information and belief, in violation of 35 U.S.C. § 271,  
17 Defendant has infringed and is continuing to infringe the '577 patent by contributing  
18 to and/or actively inducing the infringement by others of the '577 patent by the  
19 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
20 devices, including digital televisions.

21 29. Upon information and belief, Defendant has willfully infringed the  
22 '577 patent.

23 30. Upon information and belief, Defendant's acts of infringement of the  
24 '577 patent will continue after service of this complaint unless enjoined by the  
25 Court.

26 31. As a result of Defendant's infringement, Sony has suffered and will  
27 suffer damages.  
28

1       32. Sony is entitled to recover from Defendant the damages sustained by  
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3       33. Unless Defendant is enjoined by this Court from continuing its  
4 infringement of the '577 patent, Sony will suffer additional irreparable harm and  
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
6 and permanent injunction against further infringement.

7  
8                   COUNT III

9                   INFRINGEMENT OF THE '542 PATENT

10       34. Sony realleges and incorporates herein the allegations of the preceding  
11 paragraphs of this Complaint as if fully set forth herein.

12       35. Upon information and belief, in violation of 35 U.S.C. § 271,  
13 Defendant has infringed and is continuing to infringe, literally and/or under the  
14 doctrine of equivalents, the '542 patent by practicing one or more claims of the '542  
15 patent in the manufacture, use, offering for sale, sale, and/or importation or  
16 exportation of display devices, including digital televisions.

17       36. Upon information and belief, in violation of 35 U.S.C. § 271,  
18 Defendant has infringed and is continuing to infringe the '542 patent by contributing  
19 to and/or actively inducing the infringement by others of the '542 patent by the  
20 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
21 devices, including digital televisions.

22       37. Upon information and belief, Defendant has willfully infringed the  
23 '542 patent.

24       38. Upon information and belief, Defendant's acts of infringement of the  
25 '542 patent will continue after service of this complaint unless enjoined by the  
26 Court.

27       39. As a result of Defendant's infringement, Sony has suffered and will  
28 suffer damages.

1 40. Sony is entitled to recover from Defendant the damages sustained by  
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 41. Unless Defendant is enjoined by this Court from continuing its  
4 infringement of the '542 patent, Sony will suffer additional irreparable harm and  
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
6 and permanent injunction against further infringement.

7 **COUNT IV**

8 **INFRINGEMENT OF THE '847 PATENT**

9 42. Sony realleges and incorporates herein the allegations of the preceding  
10 paragraphs of this Complaint as if fully set forth herein.

11 43. Upon information and belief, in violation of 35 U.S.C. § 271,  
12 Defendant has infringed and is continuing to infringe, literally and/or under the  
13 doctrine of equivalents, the '847 patent by practicing one or more claims of the '847  
14 patent in the manufacture, use, offering for sale, sale, and/or importation or  
15 exportation of display devices, including digital televisions.

16 44. Upon information and belief, in violation of 35 U.S.C. § 271,  
17 Defendant has infringed and is continuing to infringe the '847 patent by contributing  
18 to and/or actively inducing the infringement by others of the '847 patent by the  
19 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
20 devices, including digital televisions.

21 45. Upon information and belief, Defendant has willfully infringed the  
22 '847 patent.

23 46. Upon information and belief, Defendant's acts of infringement of the  
24 '847 patent will continue after service of this complaint unless enjoined by the  
25 Court.

26 47. As a result of Defendant's infringement, Sony has suffered and will  
27 suffer damages.  
28

1 48. Sony is entitled to recover from Defendant the damages sustained by  
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 49. Unless Defendant is enjoined by this Court from continuing its  
4 infringement of the '847 patent, Sony will suffer additional irreparable harm and  
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
6 and permanent injunction against further infringement.

7 **COUNT V**

8 **INFRINGEMENT OF THE '373 PATENT**

9 50. Sony realleges and incorporates herein the allegations of the preceding  
10 paragraphs of this Complaint as if fully set forth herein.

11 51. Upon information and belief, in violation of 35 U.S.C. § 271,  
12 Defendant has infringed and is continuing to infringe, literally and/or under the  
13 doctrine of equivalents, the '373 patent by practicing one or more claims of the '373  
14 patent in the manufacture, use, offering for sale, sale, and/or importation or  
15 exportation of display devices, including digital televisions.

16 52. Upon information and belief, in violation of 35 U.S.C. § 271,  
17 Defendant has infringed and is continuing to infringe the '373 patent by contributing  
18 to and/or actively inducing the infringement by others of the '373 patent by the  
19 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
20 devices, including digital televisions.

21 53. Upon information and belief, Defendant has willfully infringed the  
22 '373 patent.

23 54. Upon information and belief, Defendant's acts of infringement of the  
24 '373 patent will continue after service of this complaint unless enjoined by the  
25 Court.

26 55. As a result of Defendant's infringement, Sony has suffered and will  
27 suffer damages.  
28



1 56. Sony is entitled to recover from Defendant the damages sustained by  
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 57. Unless Defendant is enjoined by this Court from continuing its  
4 infringement of the '373 patent, Sony will suffer additional irreparable harm and  
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
6 and permanent injunction against further infringement.

7  
8 **COUNT VI**

9 **INFRINGEMENT OF THE '614 PATENT**

10 58. Sony realleges and incorporates herein the allegations of the preceding  
11 paragraphs of this Complaint as if fully set forth herein.

12 59. Upon information and belief, in violation of 35 U.S.C. § 271,  
13 Defendant has infringed and is continuing to infringe, literally and/or under the  
14 doctrine of equivalents, the '614 patent by practicing one or more claims of the '614  
15 patent in the manufacture, use, offering for sale, sale, and/or importation or  
16 exportation of display devices, including digital televisions.

17 60. Upon information and belief, in violation of 35 U.S.C. § 271,  
18 Defendant has infringed and is continuing to infringe the '614 patent by contributing  
19 to and/or actively inducing the infringement by others of the '614 patent by the  
20 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
21 devices, including digital televisions.

22 61. Upon information and belief, Defendant has willfully infringed the  
23 '614 patent.

24 62. Upon information and belief, Defendant's acts of infringement of the  
25 '614 patent will continue after service of this complaint unless enjoined by the  
26 Court.

27 63. As a result of Defendant's infringement, Sony has suffered and will  
28 suffer damages.



1 64. Sony is entitled to recover from Defendant the damages sustained by  
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 65. Unless Defendant is enjoined by this Court from continuing its  
4 infringement of the '614 patent, Sony will suffer additional irreparable harm and  
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
6 and permanent injunction against further infringement.

7 **COUNT VII**

8 **INFRINGEMENT OF THE '055 PATENT**

9 66. Sony realleges and incorporates herein the allegations of the preceding  
10 paragraphs of this Complaint as if fully set forth herein.

11 67. Upon information and belief, in violation of 35 U.S.C. § 271,  
12 Defendant has infringed and is continuing to infringe, literally and/or under the  
13 doctrine of equivalents, the '055 patent by practicing one or more claims of the '055  
14 patent in the manufacture, use, offering for sale, sale, and/or importation or  
15 exportation of display devices, including digital televisions.

16 68. Upon information and belief, in violation of 35 U.S.C. § 271,  
17 Defendant has infringed and is continuing to infringe the '055 patent by contributing  
18 to and/or actively inducing the infringement by others of the '055 patent by the  
19 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
20 devices, including digital televisions.

21 69. Upon information and belief, Defendant has willfully infringed the  
22 '055 patent.

23 70. Upon information and belief, Defendant's acts of infringement of the  
24 '055 patent will continue after service of this complaint unless enjoined by the  
25 Court.

26 71. As a result of Defendant's infringement, Sony has suffered and will  
27 suffer damages.  
28

1 72. Sony is entitled to recover from Defendant the damages sustained by  
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 73. Unless Defendant is enjoined by this Court from continuing its  
4 infringement of the '055 patent, Sony will suffer additional irreparable harm and  
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
6 and permanent injunction against further infringement.

7 **COUNT VIII**

8 **INFRINGEMENT OF THE '468 PATENT**

9 74. Sony realleges and incorporates herein the allegations of the preceding  
10 paragraphs of this Complaint as if fully set forth herein.

11 75. Upon information and belief, in violation of 35 U.S.C. § 271,  
12 Defendant has infringed and is continuing to infringe, literally and/or under the  
13 doctrine of equivalents, the '468 patent by practicing one or more claims of the '468  
14 patent in the manufacture, use, offering for sale, sale, and/or importation or  
15 exportation of display devices, including digital televisions.

16 76. Upon information and belief, in violation of 35 U.S.C. § 271,  
17 Defendant has infringed and is continuing to infringe the '468 patent by contributing  
18 to and/or actively inducing the infringement by others of the '468 patent by the  
19 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
20 devices, including digital televisions.

21 77. Upon information and belief, Defendant has willfully infringed the  
22 '468 patent.

23 78. Upon information and belief, Defendant's acts of infringement of the  
24 '468 patent will continue after service of this complaint unless enjoined by the  
25 Court.

26 79. As a result of Defendant's infringement, Sony has suffered and will  
27 suffer damages.  
28

1 80. Sony is entitled to recover from Defendant the damages sustained by  
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 81. Unless Defendant is enjoined by this Court from continuing its  
4 infringement of the '468 patent, Sony will suffer additional irreparable harm and  
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
6 and permanent injunction against further infringement.

7 **COUNT IX**

8 **INFRINGEMENT OF THE '182 PATENT**

9 82. Sony realleges and incorporates herein the allegations of the preceding  
10 paragraphs of this Complaint as if fully set forth herein.

11 83. Upon information and belief, in violation of 35 U.S.C. § 271,  
12 Defendant has infringed and is continuing to infringe, literally and/or under the  
13 doctrine of equivalents, the '182 patent by practicing one or more claims of the '182  
14 patent in the manufacture, use, offering for sale, sale, and/or importation or  
15 exportation of display devices, including digital televisions.

16 84. Upon information and belief, in violation of 35 U.S.C. § 271,  
17 Defendant has infringed and is continuing to infringe the '182 patent by contributing  
18 to and/or actively inducing the infringement by others of the '182 patent by the  
19 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
20 devices, including digital televisions.

21 85. Upon information and belief, Defendant has willfully infringed the  
22 '182 patent.

23 86. Upon information and belief, Defendant's acts of infringement of the  
24 '182 patent will continue after service of this complaint unless enjoined by the  
25 Court.

26 87. As a result of Defendant's infringement, Sony has suffered and will  
27 suffer damages.  
28

1 88. Sony is entitled to recover from Defendant the damages sustained by  
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 89. Unless Defendant is enjoined by this Court from continuing its  
4 infringement of the '182 patent, Sony will suffer additional irreparable harm and  
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
6 and permanent injunction against further infringement.

7  
8 **COUNT X**

9 **INFRINGEMENT OF THE '472 PATENT**

10 90. Sony realleges and incorporates herein the allegations of the preceding  
11 paragraphs of this Complaint as if fully set forth herein.

12 91. Upon information and belief, in violation of 35 U.S.C. § 271,  
13 Defendant has infringed and is continuing to infringe, literally and/or under the  
14 doctrine of equivalents, the '182 patent by practicing one or more claims of the '472  
15 patent in the manufacture, use, offering for sale, sale, and/or importation or  
16 exportation of display devices, including digital televisions.

17 92. Upon information and belief, in violation of 35 U.S.C. § 271,  
18 Defendant has infringed and is continuing to infringe the '472 patent by contributing  
19 to and/or actively inducing the infringement by others of the '472 patent by the  
20 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
21 devices, including digital televisions.

22 93. Upon information and belief, Defendant has willfully infringed the  
23 '472 patent.

24 94. Upon information and belief, Defendant's acts of infringement of the  
25 '472 patent will continue after service of this complaint unless enjoined by the  
26 Court.

27 95. As a result of Defendant's infringement, Sony has suffered and will  
28 suffer damages.

1 96. Sony is entitled to recover from Defendant the damages sustained by  
2 Sony as a result of Defendant's wrongful acts in an amount subject to proof at trial.

3 97. Unless Defendant is enjoined by this Court from continuing its  
4 infringement of the '472 patent, Sony will suffer additional irreparable harm and  
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
6 and permanent injunction against further infringement.

7  
8 **PRAYER FOR RELIEF**

9 WHEREFORE, Sony prays for the following relief:

10 (a) That Defendant be ordered to pay damages adequate to  
11 compensate Sony for Defendant's infringement of each of the patents-in-suit  
12 pursuant to 35 U.S.C. § 284;

13 (b) That Defendant be ordered to pay treble damages for willful  
14 infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 284;

15 (c) That Defendant be ordered to pay attorneys' fees pursuant to 35  
16 U.S.C. § 285 for each of the patents-in-suit;

17 (d) That Defendant, its officers, agents, servants, employees, and  
18 those persons acting in active concert or in participation with them be enjoined from  
19 further infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 283;

20 (e) That Defendant be ordered to pay prejudgment interest;

21 (f) That Defendant be ordered to pay all costs associated with this  
22 action; and

23 (g) That Sony be granted such other and additional relief as the  
24 Court deems just and proper.  
25  
26  
27  
28

1 DATED: September 12, 2008 . Respectfully submitted,

2  
3 By

  
Kevin P. E. Johnson

4 QUINN EMANUEL UROUHART

5 OLIVER & HEDGES, LLP Attorneys for

6 Plaintiff

7 SONY CORPORATION OF AMERICA  
8  
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# Exhibit D

Case 8:08-cv-01135-AHS-AN Document 1 Filed 10/10/2008 Page 1 of 125

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CONFORMED

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 6 Facsimile: (650) 801-5100

OCT 10 PM 4:06  
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 CENTRAL DIST. OF CALIF.  
 LOS ANGELES

BY \_\_\_\_\_

7 Steven M. Anderson (Bar No. 144014)  
 8 QUINN EMANUEL UROUHART OLIVER & HEDGES, LLP  
 9 865 S. Figueroa St. 10th Floor  
 10 Los Angeles, California 90017  
 11 Telephone: (213) 443-3000  
 12 Facsimile: (213) 443-3100

13 Attorneys for Plaintiff Sony Corporation

14 UNITED STATES DISTRICT COURT  
 15 CENTRAL DISTRICT OF CALIFORNIA  
 16 WESTERN DIVISION

17 SONY CORPORATION, A Japanese  
 18 corporation,

19 Plaintiff,

20 vs.

21 VIZIO, Inc.,

22 Defendant.

CASE NO. **SACV08-1135AHS(ANX)**

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

23 Plaintiff Sony Corporation files this complaint against VIZIO, Inc. ("VIZIO"  
 24 or "Defendant"):

25 **THE PARTIES**

26 1. Plaintiff Sony Corporation ("Sony") is a Japanese corporation with a  
 27 principal place of business at 1-7-1, Konan, Minato-ku, Tokyo, Japan.  
 28



1           2.     Upon information and belief, VIZIO is a corporation organized under  
2 the laws of California and headquartered at 39 Tesla, Irvine, California, 92618.

3  
4                               **JURISDICTION AND VENUE**

5  
6           1.     This lawsuit is an action for patent infringement arising under the  
7 patent laws of the United States, 35 U.S.C. §§ 1 et seq. This Court has jurisdiction  
8 over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

9           2.     This Court has personal jurisdiction over Defendant because Defendant  
10 conducts business in the State of California and committed acts of patent  
11 infringement and/or contributed to or induced acts of patent infringement by others  
12 in the Central District of California and elsewhere in California and the United  
13 States.

14           3.     Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391  
15 and 1400 because Defendant regularly conducts business in this judicial district, and  
16 certain of the acts complained of herein occurred in this judicial district. Defendant  
17 offers to sell and sells the accused products in this judicial district.

18  
19                               **THE PATENTS IN SUIT**

20  
21           4.     On July 18, 1995, the USPTO issued U.S. Patent No. 5,434,626 titled  
22 "Display Apparatus Displaying Operation Menu" (hereinafter "the '626 patent"). A  
23 true and correct copy of the '626 patent is attached hereto as Exhibit A.

24           5.     On December 10, 1996, the USPTO issued U.S. Patent No. 5,583,577  
25 titled "Caption Data Coding/Decoding Systems and Methods that Includes Key Data  
26 Indicating Intermediate Levels of Attenuation in the Vicinity of the Caption"  
27 (hereinafter "the '577 patent"). A true and correct copy of the '577 patent is  
28 attached hereto as Exhibit B.

1           6.     On November 4, 1997, the USPTO issued U.S. Patent No. 5,684,542  
2     titled "Video Subtitle Processing System" (hereinafter "the '542 patent"). A true  
3     and correct copy of the '542 patent is attached hereto as Exhibit C.

4           7.     On March 24, 1998, the USPTO issued U.S. Patent No. 5,731,847 titled  
5     "Subtitle Encoding/Decoding Method and Apparatus" (hereinafter "the '847  
6     patent"). A true and correct copy of the '847 patent is attached hereto as Exhibit D.

7           8.     On May 12, 1998, the USPTO issued U.S. Patent No. 5,751,373 titled  
8     "Television Function Selection Method, Television Receiver and Remove  
9     Commander for Television Receiver" (hereinafter "the '373 patent"). A true and  
10    correct copy of the '373 patent is attached hereto as Exhibit E.

11          9.     On August 29, 2000, the USPTO issued U.S. Patent No. 6,111,614  
12    titled "Method and Apparatus for Displaying an Electronic Menu having  
13    Components with Differing Levels of Transparency" (hereinafter "the '614 patent").  
14    A true and correct copy of the '614 patent is attached hereto as Exhibit F.

15          10.    On April 1, 2003, the USPTO issued U.S. Patent Re-issue No. 38,055  
16    titled "Video Data Bus Communication System and Method" (hereinafter "the '055  
17    patent"). A true and correct copy of the '055 patent is attached hereto as Exhibit G.

18          11.    On August 26, 2008, the USPTO issued U.S. Patent Re-issue No.  
19    40,468 titled "Video Data Bus Communication System and Method" (hereinafter  
20    "the '468 patent"). A true and correct copy of the '468 patent is attached hereto as  
21    Exhibit H.

22          12.    On August 17, 2004, the USPTO issued U.S. Patent No. 6,778,182  
23    titled "Display Device" (hereinafter "the '182 patent"). A true and correct copy of  
24    the '182 patent is attached hereto as Exhibit I.

25          13.    On December 9, 2003, the USPTO issued U.S. Patent No. 6,661,472  
26    titled "Channel Selection In Digital Television" (hereinafter "the '472 patent"). A  
27    true and correct copy of the '472 patent is attached hereto as Exhibit J.  
28

1 14. On April 29, 1992, the USPTO issued U.S. Patent No. 5,285,285 titled  
2 "Method Of Controlling First Items That Require Prior CRT Display And Second  
3 Items That Require No Prior Display" (hereinafter "the '285 patent"). A true and  
4 correct copy of the '285 patent is attached hereto as Exhibit K.

5 15. On May 18, 1993, the USPTO issued U.S. Patent No. 5,212,553 titled  
6 "Television Receiver With Selective Menu Display" (hereinafter "the '553 patent").  
7 A true and correct copy of the '553 patent is attached hereto as Exhibit L.

8 16. On December 1, 1992, the USPTO issued U.S. Patent No. 5,168,362  
9 titled "Apparatus For Displaying Standard Aspect Ratio Television Signal On Wide  
10 Aspect Ratio Display Screen" (hereinafter "the '362 patent"). A true and correct  
11 copy of the '362 patent is attached hereto as Exhibit M.

12 17. On May 18, 1993, the USPTO issued U.S. Patent No. 5,539,425 titled  
13 "Display Unit" (hereinafter "the '425 patent"). A true and correct copy of the '425  
14 patent is attached hereto as Exhibit N.

15 18. The '626 patent, '577 patent, '542 patent, '847 patent, '373 patent, '614  
16 patent, '055 patent, '468 patent, '182 patent, '472 patent, '285 patent, '553 patent,  
17 '362 patent, and the '425 patent collectively, are henceforth referred to as the  
18 "patents-in-suit."

19 19. Sony is the owner of all right, title, and interest in and to each of the  
20 patents-in-suit with full and exclusive right to bring suit to enforce this patent,  
21 including the right to recover for past infringement.

22  
23 **COUNT I**

24 **INFRINGEMENT OF THE '626 PATENT**

25  
26 20. Sony realleges and incorporates herein the allegations of the preceding  
27 paragraphs of this Complaint as if fully set forth herein.  
28

21. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '626 patent by practicing one or more claims of the '626 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

22. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe the '626 patent by contributing to and/or actively inducing the infringement by others of the '626 patent by the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

23. Upon information and belief, Defendant has willfully infringed the '626 patent.

24. Upon information and belief, Defendant's acts of infringement of the '626 patent will continue after service of this complaint unless enjoined by the Court.

25. As a result of Defendant's infringement, Sony has suffered and will suffer damages.

26. Sony is entitled to recover from Defendant the damages sustained by Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

27. Unless Defendant is enjoined by this Court from continuing its infringement of the '626 patent, Sony will suffer additional irreparable harm and impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary and permanent injunction against further infringement.

## COUNT II

### INFRINGEMENT OF THE '577 PATENT

1       28. Sony realleges and incorporates herein the allegations of the preceding  
2 paragraphs of this Complaint as if fully set forth herein.

3       29. Upon information and belief, in violation of 35 U.S.C. § 271,  
4 Defendant has infringed and is continuing to infringe, literally and/or under the  
5 doctrine of equivalents, the '577 patent by practicing one or more claims of the '577  
6 patent in the manufacture, use, offering for sale, sale, and/or importation or  
7 exportation of display devices, including digital televisions.

8       30. Upon information and belief, in violation of 35 U.S.C. § 271,  
9 Defendant has infringed and is continuing to infringe the '577 patent by contributing  
10 to and/or actively inducing the infringement by others of the '577 patent by the  
11 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
12 devices, including digital televisions.

13       31. Upon information and belief, Defendant has willfully infringed the  
14 '577 patent.

15       32. Upon information and belief, Defendant's acts of infringement of the  
16 '577 patent will continue after service of this complaint unless enjoined by the  
17 Court.

18       33. As a result of Defendant's infringement, Sony has suffered and will  
19 suffer damages.

20       34. Sony is entitled to recover from Defendant the damages sustained by  
21 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

22       35. Unless Defendant is enjoined by this Court from continuing its  
23 infringement of the '577 patent, Sony will suffer additional irreparable harm and  
24 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
25 and permanent injunction against further infringement.

26  
27  
28

**COUNT III**  
**INFRINGEMENT OF THE '542 PATENT**

36. Sony realleges and incorporates herein the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

37. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '542 patent by practicing one or more claims of the '542 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

38. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe the '542 patent by contributing to and/or actively inducing the infringement by others of the '542 patent by the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

39. Upon information and belief, Defendant has willfully infringed the '542 patent.

40. Upon information and belief, Defendant's acts of infringement of the '542 patent will continue after service of this complaint unless enjoined by the Court.

41. As a result of Defendant's infringement, Sony has suffered and will suffer damages.

42. Sony is entitled to recover from Defendant the damages sustained by Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

43. Unless Defendant is enjoined by this Court from continuing its infringement of the '542 patent, Sony will suffer additional irreparable harm and impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary and permanent injunction against further infringement.



**COUNT IV**  
**INFRINGEMENT OF THE '847 PATENT**

44. Sony realleges and incorporates herein the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

45. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '847 patent by practicing one or more claims of the '847 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of digital devices, including display televisions.

46. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe the '847 patent by contributing to and/or actively inducing the infringement by others of the '847 patent by the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

47. Upon information and belief, Defendant has willfully infringed the '847 patent.

48. Upon information and belief, Defendant's acts of infringement of the '847 patent will continue after service of this complaint unless enjoined by the Court.

49. As a result of Defendant's infringement, Sony has suffered and will suffer damages.

50. Sony is entitled to recover from Defendant the damages sustained by Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

51. Unless Defendant is enjoined by this Court from continuing its infringement of the '847 patent, Sony will suffer additional irreparable harm and

1 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
2 and permanent injunction against further infringement.

3 COUNT V

4 INFRINGEMENT OF THE '373 PATENT

5  
6 52. Sony realleges and incorporates herein the allegations of the preceding  
7 paragraphs of this Complaint as if fully set forth herein.

8 53. Upon information and belief, in violation of 35 U.S.C. § 271,  
9 Defendant has infringed and is continuing to infringe, literally and/or under the  
10 doctrine of equivalents, the '373 patent by practicing one or more claims of the '373  
11 patent in the manufacture, use, offering for sale, sale, and/or importation or  
12 exportation of display devices, including digital televisions.

13 54. Upon information and belief, in violation of 35 U.S.C. § 271,  
14 Defendant has infringed and is continuing to infringe the '373 patent by contributing  
15 to and/or actively inducing the infringement by others of the '373 patent by the  
16 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
17 devices, including digital televisions.

18 55. Upon information and belief, Defendant has willfully infringed the  
19 '373 patent.

20 56. Upon information and belief, Defendant's acts of infringement of the  
21 '373 patent will continue after service of this complaint unless enjoined by the  
22 Court.

23 57. As a result of Defendant's infringement, Sony has suffered and will  
24 suffer damages.

25 58. Sony is entitled to recover from Defendant the damages sustained by  
26 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

27 59. Unless Defendant is enjoined by this Court from continuing its  
28 infringement of the '373 patent, Sony will suffer additional irreparable harm and



1 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
2 and permanent injunction against further infringement.

3  
4 **COUNT VI**  
5 **INFRINGEMENT OF THE '614 PATENT**  
6

7 60. Sony realleges and incorporates herein the allegations of the preceding  
8 paragraphs of this Complaint as if fully set forth herein.

9 61. Upon information and belief, in violation of 35 U.S.C. § 271,  
10 Defendant has infringed and is continuing to infringe, literally and/or under the  
11 doctrine of equivalents, the '614 patent by practicing one or more claims of the '614  
12 patent in the manufacture, use, offering for sale, sale, and/or importation or  
13 exportation of display devices, including digital televisions.

14 62. Upon information and belief, in violation of 35 U.S.C. § 271,  
15 Defendant has infringed and is continuing to infringe the '614 patent by contributing  
16 to and/or actively inducing the infringement by others of the '614 patent by the  
17 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
18 devices, including digital televisions.

19 63. Upon information and belief, Defendant has willfully infringed the  
20 '614 patent.

21 64. Upon information and belief, Defendant's acts of infringement of the  
22 '614 patent will continue after service of this complaint unless enjoined by the  
23 Court.

24 65. As a result of Defendant's infringement, Sony has suffered and will  
25 suffer damages.

26 66. Sony is entitled to recover from Defendant the damages sustained by  
27 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
28

1 67. Unless Defendant is enjoined by this Court from continuing its  
2 infringement of the '614 patent, Sony will suffer additional irreparable harm and  
3 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
4 and permanent injunction against further infringement.

5  
6 **COUNT VII**  
7 **INFRINGEMENT OF THE '055 PATENT**  
8

9 68. Sony realleges and incorporates herein the allegations of the preceding  
10 paragraphs of this Complaint as if fully set forth herein.

11 69. Upon information and belief, in violation of 35 U.S.C. § 271,  
12 Defendant has infringed and is continuing to infringe, literally and/or under the  
13 doctrine of equivalents, the '055 patent by practicing one or more claims of the '055  
14 patent in the manufacture, use, offering for sale, sale, and/or importation or  
15 exportation of display devices, including digital televisions.

16 70. Upon information and belief, in violation of 35 U.S.C. § 271,  
17 Defendant has infringed and is continuing to infringe the '055 patent by contributing  
18 to and/or actively inducing the infringement by others of the '055 patent by the  
19 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
20 devices, including digital televisions.

21 71. Upon information and belief, Defendant has willfully infringed the  
22 '055 patent.

23 72. Upon information and belief, Defendant's acts of infringement of the  
24 '055 patent will continue after service of this complaint unless enjoined by the  
25 Court.

26 73. As a result of Defendant's infringement, Sony has suffered and will  
27 suffer damages.  
28

1 74. Sony is entitled to recover from Defendant the damages sustained by  
2 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

3 75. Unless Defendant is enjoined by this Court from continuing its  
4 infringement of the '055 patent, Sony will suffer additional irreparable harm and  
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
6 and permanent injunction against further infringement.

7  
8 **COUNT VIII**

9 **INFRINGEMENT OF THE '468 PATENT**

10  
11 76. Sony realleges and incorporates herein the allegations of the preceding  
12 paragraphs of this Complaint as if fully set forth herein.

13 77. Upon information and belief, in violation of 35 U.S.C. § 271,  
14 Defendant has infringed and is continuing to infringe, literally and/or under the  
15 doctrine of equivalents, the '468 patent by practicing one or more claims of the '468  
16 patent in the manufacture, use, offering for sale, sale, and/or importation or  
17 exportation of display devices, including digital televisions.

18 78. Upon information and belief, in violation of 35 U.S.C. § 271,  
19 Defendant has infringed and is continuing to infringe the '468 patent by contributing  
20 to and/or actively inducing the infringement by others of the '468 patent by the  
21 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
22 devices, including digital televisions.

23 79. Upon information and belief, Defendant has willfully infringed the  
24 '468 patent.

25 80. Upon information and belief, Defendant's acts of infringement of the  
26 '468 patent will continue after service of this complaint unless enjoined by the  
27 Court.

28

1 81. As a result of Defendant's infringement, Sony has suffered and will  
2 suffer damages.

3 82. Sony is entitled to recover from Defendant the damages sustained by  
4 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
5 Unless Defendant is enjoined by this Court from continuing its infringement of the  
6 '468 patent, Sony will suffer additional irreparable harm and impairment of the  
7 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent  
8 injunction against further infringement.

9

10

**COUNT IX**

11

**INFRINGEMENT OF THE '182 PATENT**

12

13 83. Sony realleges and incorporates herein the allegations of the preceding  
14 paragraphs of this Complaint as if fully set forth herein.

15 84. Upon information and belief, in violation of 35 U.S.C. § 271,  
16 Defendant has infringed and is continuing to infringe, literally and/or under the  
17 doctrine of equivalents, the '182 patent by practicing one or more claims of the '182  
18 patent in the manufacture, use, offering for sale, sale, and/or importation or  
19 exportation of display devices, including digital televisions.

20 85. Upon information and belief, in violation of 35 U.S.C. § 271,  
21 Defendant has infringed and is continuing to infringe the '182 patent by contributing  
22 to and/or actively inducing the infringement by others of the '182 patent by the  
23 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
24 devices, including digital televisions.

25 86. Upon information and belief, Defendant has willfully infringed the  
26 '182 patent.

27

28

1 87. Upon information and belief, Defendant's acts of infringement of the  
2 '182 patent will continue after service of this complaint unless enjoined by the  
3 Court.

4 88. As a result of Defendant's infringement, Sony has suffered and will  
5 suffer damages.

6 89. Sony is entitled to recover from Defendant the damages sustained by  
7 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
8 Unless Defendant is enjoined by this Court from continuing its infringement of the  
9 '182 patent, Sony will suffer additional irreparable harm and impairment of the  
10 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent  
11 injunction against further infringement.

12  
13 **COUNT X**

14 **INFRINGEMENT OF THE '472 PATENT**  
15

16 90. Sony realleges and incorporates herein the allegations of the preceding  
17 paragraphs of this Complaint as if fully set forth herein.

18 91. Upon information and belief, in violation of 35 U.S.C. § 271,  
19 Defendant has infringed and is continuing to infringe, literally and/or under the  
20 doctrine of equivalents, the '182 patent by practicing one or more claims of the '472  
21 patent in the manufacture, use, offering for sale, sale, and/or importation or  
22 exportation of display devices, including digital televisions.

23 92. Upon information and belief, in violation of 35 U.S.C. § 271,  
24 Defendant has infringed and is continuing to infringe the '472 patent by contributing  
25 to and/or actively inducing the infringement by others of the '472 patent by the  
26 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
27 devices, including digital televisions.  
28

1 93. Upon information and belief, Defendant has willfully infringed the  
2 '472 patent.

3 94. Upon information and belief, Defendant's acts of infringement of the  
4 '472 patent will continue after service of this complaint unless enjoined by the  
5 Court.

6 95. As a result of Defendant's infringement, Sony has suffered and will  
7 suffer damages.

8 96. Sony is entitled to recover from Defendant the damages sustained by  
9 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
10 Unless Defendant is enjoined by this Court from continuing its infringement of the  
11 '472 patent, Sony will suffer additional irreparable harm and impairment of the  
12 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent  
13 injunction against further infringement.

14 **COUNT XI**

15 **INFRINGEMENT OF THE '285 PATENT**

16  
17 97. Sony realleges and incorporates herein the allegations of the preceding  
18 paragraphs of this Complaint as if fully set forth herein.

19 98. Upon information and belief, in violation of 35 U.S.C. § 271,  
20 Defendant has infringed and is continuing to infringe, literally and/or under the  
21 doctrine of equivalents, the '285 patent by practicing one or more claims of the '285  
22 patent in the manufacture, use, offering for sale, sale, and/or importation or  
23 exportation of display devices, including digital televisions.

24 99. Upon information and belief, in violation of 35 U.S.C. § 271,  
25 Defendant has infringed and is continuing to infringe the '285 patent by contributing  
26 to and/or actively inducing the infringement by others of the '285 patent by the  
27 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
28 devices, including digital televisions.

1 100. Upon information and belief, Defendant has willfully infringed the  
2 '285 patent.

3 101. Upon information and belief, Defendant's acts of infringement of the  
4 '285 patent will continue after service of this complaint unless enjoined by the  
5 Court.

6 102. As a result of Defendant's infringement, Sony has suffered and will  
7 suffer damages.

8 103. Sony is entitled to recover from Defendant the damages sustained by  
9 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
10 Unless Defendant is enjoined by this Court from continuing its infringement of the  
11 '285 patent, Sony will suffer additional irreparable harm and impairment of the  
12 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent  
13 injunction against further infringement.

14 **COUNT XII**

15 **INFRINGEMENT OF THE '553 PATENT**

16  
17 104. Sony realleges and incorporates herein the allegations of the preceding  
18 paragraphs of this Complaint as if fully set forth herein.

19 105. Upon information and belief, in violation of 35 U.S.C. § 271,  
20 Defendant has infringed and is continuing to infringe, literally and/or under the  
21 doctrine of equivalents, the '553 patent by practicing one or more claims of the '553  
22 patent in the manufacture, use, offering for sale, sale, and/or importation or  
23 exportation of display devices, including digital televisions.

24 106. Upon information and belief, in violation of 35 U.S.C. § 271,  
25 Defendant has infringed and is continuing to infringe the '553 patent by contributing  
26 to and/or actively inducing the infringement by others of the '553 patent by the  
27 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
28 devices, including digital televisions.



1 107. Upon information and belief, Defendant has willfully infringed the  
2 '553 patent.

3 108. Upon information and belief, Defendant's acts of infringement of the  
4 '553 patent will continue after service of this complaint unless enjoined by the  
5 Court.

6 109. As a result of Defendant's infringement, Sony has suffered and will  
7 suffer damages.

8 110. Sony is entitled to recover from Defendant the damages sustained by  
9 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
10 Unless Defendant is enjoined by this Court from continuing its infringement of the  
11 '553 patent, Sony will suffer additional irreparable harm and impairment of the  
12 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent  
13 injunction against further infringement.

14 **COUNT XIII**

15 **INFRINGEMENT OF THE '362 PATENT**

16  
17 111. Sony realleges and incorporates herein the allegations of the preceding  
18 paragraphs of this Complaint as if fully set forth herein.

19 112. Upon information and belief, in violation of 35 U.S.C. § 271,  
20 Defendant has infringed and is continuing to infringe, literally and/or under the  
21 doctrine of equivalents, the '362 patent by practicing one or more claims of the '362  
22 patent in the manufacture, use, offering for sale, sale, and/or importation or  
23 exportation of display devices, including digital televisions.

24 113. Upon information and belief, in violation of 35 U.S.C. § 271,  
25 Defendant has infringed and is continuing to infringe the '362 patent by contributing  
26 to and/or actively inducing the infringement by others of the '362 patent by the  
27 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
28 devices, including digital televisions.



1 114.

2 115. Upon information and belief, Defendant has willfully infringed the  
3 '362 patent.

4 116. Upon information and belief, Defendant's acts of infringement of the  
5 '362 patent will continue after service of this complaint unless enjoined by the  
6 Court.

7 117. As a result of Defendant's infringement, Sony has suffered and will  
8 suffer damages.

9 118. Sony is entitled to recover from Defendant the damages sustained by  
10 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
11 Unless Defendant is enjoined by this Court from continuing its infringement of the  
12 '362 patent, Sony will suffer additional irreparable harm and impairment of the  
13 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent  
14 injunction against further infringement.

15 **COUNT XIV**

16 **INFRINGEMENT OF THE '425 PATENT**

17  
18 119. Sony realleges and incorporates herein the allegations of the preceding  
19 paragraphs of this Complaint as if fully set forth herein.

20 120. Upon information and belief, in violation of 35 U.S.C. § 271,  
21 Defendant has infringed and is continuing to infringe, literally and/or under the  
22 doctrine of equivalents, the '425 patent by practicing one or more claims of the '425  
23 patent in the manufacture, use, offering for sale, sale, and/or importation or  
24 exportation of display devices, including digital televisions.

25 121. Upon information and belief, in violation of 35 U.S.C. § 271,  
26 Defendant has infringed and is continuing to infringe the '425 patent by contributing  
27 to and/or actively inducing the infringement by others of the '425 patent by the  
28

1 122. manufacture, use, offering for sale, sale, and/or importation or  
2 exportation of display devices, including digital televisions.

3 123. Upon information and belief, Defendant has willfully infringed the  
4 '425 patent.

5 124. Upon information and belief, Defendant's acts of infringement of the  
6 '472 patent will continue after service of this complaint unless enjoined by the  
7 Court.

8 125. As a result of Defendant's infringement, Sony has suffered and will  
9 suffer damages.

10 126. Sony is entitled to recover from Defendant the damages sustained by  
11 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
12 Unless Defendant is enjoined by this Court from continuing its infringement of the  
13 '425 patent, Sony will suffer additional irreparable harm and impairment of the  
14 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent  
15 injunction against further infringement.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Sony prays for the following relief:

18 (a) That Defendant be ordered to pay damages adequate to  
19 compensate Sony for Defendant's infringement of each of the patents-in-suit  
20 pursuant to 35 U.S.C. § 284;

21 (b) That Defendant be ordered to pay treble damages for willful  
22 infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 284;

23 (c) That Defendant be ordered to pay attorneys' fees pursuant to 35  
24 U.S.C. § 285 for each of the patents-in-suit;

25 (d) That Defendant, its officers, agents, servants, employees, and  
26 those persons acting in active concert or in participation with them be enjoined from  
27 further infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 283;

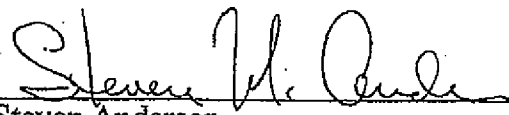
28 (e) That Defendant be ordered to pay prejudgment interest;

1  
2 (f) That Defendant be ordered to pay all costs associated with this  
3 action; and

4 (g) That Sony be granted such other and additional relief as the  
5 Court deems just and proper.

6 DATED: October 10, 2008

Respectfully submitted,

7  
8 By   
9 Steven Anderson  
10 QUINN EMANUEL URQUHART  
11 OLIVER & HEDGES, LLP


12 Attorneys for Plaintiff  
13 SONY CORPORATION  
14  
15  
16  
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28

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury as to all issues so triable.

DATED: October 10, 2008

Respectfully submitted,

By   
Steven Anderson  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES, LLP

Attorneys for Plaintiff  
SONY CORPORATION OF AMERICA

# Exhibit E

Case 8:08-cv-01135-AHS-AN Document 3 Filed 10/10/2008 Page 1 of 2

CONFORMED COPY

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FILED

8  
9 Attorneys for Plaintiff Sony Corporation

10  
11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 WESTERN DIVISION

14 SONY CORPORATION, A Japanese  
corporation,

15 Plaintiff,

16 vs.

17 VIZIO, Inc.,

18 Defendant.  
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24  
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28

CASE NO.

SACV08-1135AHS (ANX)

NOTICE OF RELATED CASES

1 TO THE CLERK OF THE COURT:

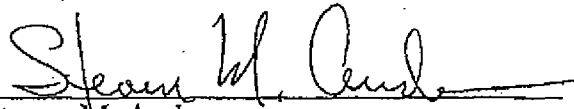
2 PLEASE TAKE NOTICE that the following cases that have previously  
3 been filed in this Court are related to the instant case in that a number of the patents-  
4 in-suit are identical to those in the prior case and in that the instant case calls for the  
5 determination of the same or substantially identical questions of law in that the relief  
6 sought is the same.

7 The related case is *Sony Corp. v. Westinghouse Digital Electronics, LLC*,  
8 CV08-03934 RGK (FMOx).

9  
10 DATED: October 10, 2008

Respectfully submitted,

11 QUINN EMANUEL URQUHART OLIVER &  
12 HEDGES, LLP

13 By   
14 Steven M. Anderson  
15 Attorneys for Plaintiff Sony Corporation  
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# Exhibit F



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> SONY CORPORATION, A Japanese corporation	<b>DEFENDANTS</b> VIZIO, Inc.
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, California 90017 Tel: (213) 443-3000	Attorneys (If Known) unknown

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6														

<b>IV. ORIGIN</b> (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
--

<b>V. REQUESTED IN COMPLAINT: JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check "Yes" only if demanded in complaint.) <b>CLASS ACTION</b> under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>MONEY DEMANDED IN COMPLAINT:</b> \$ to be proved at trial
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<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Counts 1-14: violation of 35 U.S.C. 271 (Patent Infringement)
--

<b>VII. NATURE OF SUIT</b> (Place an X in one box only.) <table style="width:100%; font-size: small;"> <tr> <td style="width:16.6%;"> <b>OTHER STATUTES</b>  <input type="checkbox"/> 400 State Reapportionment  <input type="checkbox"/> 410 Antitrust  <input type="checkbox"/> 430 Banks and Banking  <input type="checkbox"/> 450 Commerce/ICC Rates/etc.  <input type="checkbox"/> 460 Deportation  <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations  <input type="checkbox"/> 480 Consumer Credit  <input type="checkbox"/> 490 Cable/Sat TV  <input type="checkbox"/> 810 Selective Service  <input type="checkbox"/> 850 Securities/Commodities/Exchange  <input type="checkbox"/> 875 Customer Challenge 12 USC 3410  <input type="checkbox"/> 890 Other Statutory Actions  <input type="checkbox"/> 891 Agricultural Act  <input type="checkbox"/> 892 Economic Stabilization Act  <input type="checkbox"/> 893 Environmental Matters  <input type="checkbox"/> 894 Energy Allocation Act  <input type="checkbox"/> 895 Freedom of Info. Act  <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice  <input type="checkbox"/> 950 Constitutionality of State Statutes         </td> <td style="width:16.6%;"> <b>CONTRACT</b>  <input type="checkbox"/> 110 Insurance  <input type="checkbox"/> 120 Marine  <input type="checkbox"/> 130 Miller Act  <input type="checkbox"/> 140 Negotiable Instrument  <input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment  <input type="checkbox"/> 151 Medicare Act  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. 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Employers' Liability  <input type="checkbox"/> 340 Marine  <input type="checkbox"/> 345 Marine Product Liability  <input type="checkbox"/> 350 Motor Vehicle  <input type="checkbox"/> 355 Motor Vehicle Product Liability  <input type="checkbox"/> 360 Other Personal Injury  <input type="checkbox"/> 362 Personal Injury-Med Malpractice  <input type="checkbox"/> 365 Personal Injury-Product Liability  <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <input type="checkbox"/> 462 Naturalization Application  <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee  <input type="checkbox"/> 465 Other Immigration Actions         </td> <td style="width:16.6%;"> <b>TORTS</b>  <b>PERSONAL PROPERTY</b>  <input type="checkbox"/> 370 Other Fraud  <input type="checkbox"/> 371 Truth in Lending  <input type="checkbox"/> 380 Other Personal Property Damage  <input type="checkbox"/> 385 Property Damage-Product Liability  <input type="checkbox"/> 422 Appeal 28 USC 158  <input type="checkbox"/> 423 Withdrawal 28 USC 157  <input type="checkbox"/> 441 Voting  <input type="checkbox"/> 442 Employment  <input type="checkbox"/> 443 Housing/Accommodations  <input type="checkbox"/> 444 Welfare  <input type="checkbox"/> 445 American with Disabilities - Employment  <input type="checkbox"/> 446 American with Disabilities - Other  <input type="checkbox"/> 440 Other Civil Rights         </td> <td style="width:16.6%;"> <b>PRISONER PETITIONS</b>  <input type="checkbox"/> 510 Motions to Vacate Sentence  <input type="checkbox"/> 530 Habeas Corpus  <input type="checkbox"/> 535 General Death Penalty  <input type="checkbox"/> 540 Mandamus/Other  <input type="checkbox"/> 550 Civil Rights  <input type="checkbox"/> 555 Prison Condition  <input type="checkbox"/> 610 Agriculture  <input type="checkbox"/> 620 Other Food &amp; Drug  <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881  <input type="checkbox"/> 630 Liquor Laws  <input type="checkbox"/> 640 R.R. &amp; Truck  <input type="checkbox"/> 650 Airline Regs  <input type="checkbox"/> 660 Occupational Safety/Health  <input type="checkbox"/> 690 Other         </td> <td style="width:16.6%;"> <b>LABOR</b>  <input type="checkbox"/> 710 Fair Labor Standards Act  <input type="checkbox"/> 720 Labor/Mgmt. 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Security Act  <b>PROPERTY RIGHTS</b>  <input type="checkbox"/> 820 Copyrights  <input type="checkbox"/> 830 Patent  <input type="checkbox"/> 840 Trademark  <input type="checkbox"/> 861 HIA (1395m)  <input type="checkbox"/> 862 Black Lung (923)  <input type="checkbox"/> 863 DIWC/DIWW (405(g))  <input type="checkbox"/> 864 SSID Title XVI  <input type="checkbox"/> 865 RSI (405(g))  <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)  <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609         </td> </tr> </table>	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. 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SACV08-1135

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ Yes  
If yes, list case number(s): CV08-03934 RGK (FMOx)

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☒ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☒ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:	California County outside of this District; State, if other than California; or Foreign Country
	Sony Corporation: citizen of Japan;

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:	California County outside of this District; State, if other than California; or Foreign Country
VIZIO, Inc. - Orange County, California	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
**Note:** In land condemnation cases, use the location of the tract of land involved.

County in this District:	California County outside of this District; State, if other than California; or Foreign Country
Claims 1-14: Los Angeles County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties.

**Note:** In land condemnation cases, use the location of the tract of land involved.

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** Steven M. Bend Date October 10, 2008

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1395ff(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

# Exhibit G

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Sony Corp.   Plaintiff(s),  v.  VIZIO Inc  Defendant(s).	CASE NUMBER:  SACV 08-1135 [REDACTED] (ANx)  <b>ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 08-05 ( Related Cases)</b>
---	--

**CONSENT**

I hereby consent to the transfer of the above-entitled case to my calendar, pursuant to General Order 08-05.

\_\_\_\_\_  
Date

R. Gary Klausner  
\_\_\_\_\_  
United States District Judge

**DECLINATION**

I hereby decline to transfer the above-entitled case to my calendar for the reasons set forth:

\_\_\_\_\_  
*not related*

OCT 24 2008

\_\_\_\_\_  
Date

*Gary Klausner*  
\_\_\_\_\_  
United States District Judge

**REASON FOR TRANSFER AS INDICATED BY COUNSEL**

Case 08-cv-3934 RGK (FMOx) and the present case:

- ☐ A. Arise from the same or closely related transactions, happenings or events; or
- ☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.
- ☐ E. Involve one or more defendants from the criminal case in common, and would entail substantial duplication of labor if heard by different judges (applicable only on civil forfeiture action).

**NOTICE TO COUNSEL FROM CLERK**

Pursuant to the above transfer, any discovery matters that are or may be referred to a Magistrate Judge are hereby transferred from Magistrate Judge \_\_\_\_\_ to Magistrate Judge Fe \_\_\_\_\_.

On all documents subsequently filed in this case, please substitute the initials \_\_\_\_\_ after the case number in place of the initials of the prior judge, so that the case number will read \_\_\_\_\_. This is very important because documents are routed to the assigned judges by means of these initials. The case file, under seal documents, exhibits, docket, transcripts or depositions may be viewed at the \_\_\_\_\_ Western ☐ Southern ☐ Eastern Division.

Traditionally filed subsequent documents must be filed at the \_\_\_\_\_ Western ☐ Southern ☐ Eastern Division.  
Failure to file at the proper location will result in your documents being returned to you.

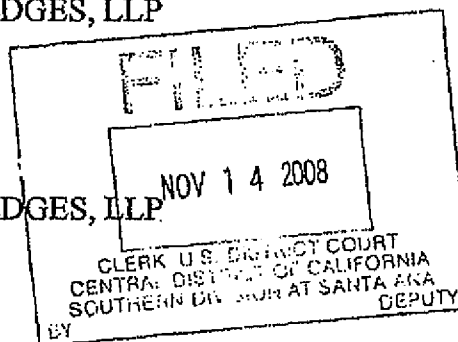
cc: ☒ Previous Judge      ☒ Statistics Clerk

# Exhibit H

COPY

Kevin P.B. Johnson (Bar No. 177129)  
 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
 555 Twin Dolphin Drive, Suite 560  
 Redwood Shores, California 94065-2139  
 Telephone: (650) 801-5000  
 Facsimile: (650) 801-5100

Steven M. Anderson (Bar No. 144014)  
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 865 S. Figueroa St. 10th Floor  
 Los Angeles, California 90017  
 Telephone: (213) 443-3000  
 Facsimile: (213) 443-3100



Attorneys for Plaintiff Sony Corporation

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
 WESTERN DIVISION

SONY CORPORATION, A Japanese  
 corporation,

Plaintiff,

vs.

VIZIO, Inc.,

Defendant.

CASE NO. CV-01135-AHS-AN

**FIRST AMENDED COMPLAINT  
 FOR PATENT INFRINGEMENT**

**JURY TRIAL DEMANDED**

Plaintiff Sony Corporation files this complaint against VIZIO, Inc. ("VIZIO"  
 or "Defendant"):

**THE PARTIES**

1. Plaintiff Sony Corporation ("Sony") is a Japanese corporation with a  
 principal place of business at 1-7-1, Konan, Minato-ku, Tokyo, Japan.

2. Upon information and belief, VIZIO is a corporation organized under  
 the laws of California and headquartered at 39 Tesla, Irvine, California, 92618.

### JURISDICTION AND VENUE

1  
2  
3 1. This lawsuit is an action for patent infringement arising under the  
4 patent laws of the United States, 35 U.S.C. §§ 1 et seq. This Court has jurisdiction  
5 over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

6 2. This Court has personal jurisdiction over Defendant because Defendant  
7 conducts business in the State of California and committed acts of patent  
8 infringement and/or contributed to or induced acts of patent infringement by others  
9 in the Central District of California and elsewhere in California and the United  
10 States.

11 3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391  
12 and 1400 because Defendant regularly conducts business in this judicial district, and  
13 certain of the acts complained of herein occurred in this judicial district. Defendant  
14 offers to sell and sells the accused products in this judicial district.

### THE PATENTS IN SUIT

15  
16  
17  
18 4. On July 18, 1995, the USPTO issued U.S. Patent No. 5,434,626 titled  
19 "Display Apparatus Displaying Operation Menu" (hereinafter "the '626 patent"). A  
20 true and correct copy of the '626 patent is attached hereto as Exhibit A.

21 5. On December 10, 1996, the USPTO issued U.S. Patent No. 5,583,577  
22 titled "Caption Data Coding/Decoding Systems and Methods that Includes Key Data  
23 Indicating Intermediate Levels of Attenuation in the Vicinity of the Caption"  
24 (hereinafter "the '577 patent"). A true and correct copy of the '577 patent is  
25 attached hereto as Exhibit B.

26 6. On November 4, 1997, the USPTO issued U.S. Patent No. 5,684,542  
27 titled "Video Subtitle Processing System" (hereinafter "the '542 patent"). A true  
28 and correct copy of the '542 patent is attached hereto as Exhibit C.



1           7.     On March 24, 1998, the USPTO issued U.S. Patent No. 5,731,847 titled  
2 "Subtitle Encoding/Decoding Method and Apparatus" (hereinafter "the '847  
3 patent"). A true and correct copy of the '847 patent is attached hereto as Exhibit D.

4           8.     On May 12, 1998, the USPTO issued U.S. Patent No. 5,751,373 titled  
5 "Television Function Selection Method, Television Receiver and Remove  
6 Commander for Television Receiver" (hereinafter "the '373 patent"). A true and  
7 correct copy of the '373 patent is attached hereto as Exhibit E.

8           9.     On August 29, 2000, the USPTO issued U.S. Patent No. 6,111,614  
9 titled "Method and Apparatus for Displaying an Electronic Menu having  
10 Components with Differing Levels of Transparency" (hereinafter "the '614 patent").  
11 A true and correct copy of the '614 patent is attached hereto as Exhibit F.

12          10.    On April 1, 2003, the USPTO issued U.S. Patent Re-issue No. 38,055  
13 titled "Video Data Bus Communication System and Method" (hereinafter "the '055  
14 patent"). A true and correct copy of the '055 patent is attached hereto as Exhibit G.

15          11.    On August 26, 2008, the USPTO issued U.S. Patent Re-issue No.  
16 40,468 titled "Video Data Bus Communication System and Method" (hereinafter  
17 "the '468 patent"). A true and correct copy of the '468 patent is attached hereto as  
18 Exhibit H.

19          12.    On August 17, 2004, the USPTO issued U.S. Patent No. 6,778,182  
20 titled "Display Device" (hereinafter "the '182 patent"). A true and correct copy of  
21 the '182 patent is attached hereto as Exhibit I.

22          13.    On December 9, 2003, the USPTO issued U.S. Patent No. 6,661,472  
23 titled "Channel Selection In Digital Television" (hereinafter "the '472 patent"). A  
24 true and correct copy of the '472 patent is attached hereto as Exhibit J.

25          14.    The '626 patent, '577 patent, '542 patent, '847 patent, '373 patent, '614  
26 patent, '055 patent, '468 patent, '182 patent, and the '472 patent collectively, are  
27 henceforth referred to as the "patents-in-suit."  
28





### INFRINGEMENT OF THE '577 PATENT

25. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '577 patent by practicing one or more claims of the '577 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

27. Upon information and belief, Defendant has willfully infringed the '577 patent.

29. As a result of Defendant's infringement, Sony has suffered and will suffer damages.

3 31. Unless Defendant is enjoined by this Court from continuing its  
4 infringement of the '577 patent, Sony will suffer additional irreparable harm and  
5 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
6 and permanent injunction against further infringement.

COUNT III

### INFRINGEMENT OF THE '542 PATENT

11           32. Sony realleges and incorporates herein the allegations of the preceding  
12 paragraphs of this Complaint as if fully set forth herein.

33. Upon information and belief, in violation of 35 U.S.C. § 271,  
Defendant has infringed and is continuing to infringe, literally and/or under the  
doctrine of equivalents, the '542 patent by practicing one or more claims of the '542  
patent in the manufacture, use, offering for sale, sale, and/or importation or  
exportation of display devices, including digital televisions.

18 34. Upon information and belief, in violation of 35 U.S.C. § 271,  
19 Defendant has infringed and is continuing to infringe the '542 patent by contributing  
20 to and/or actively inducing the infringement by others of the '542 patent by the  
21 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
22 devices, including digital televisions.

23            35. Upon information and belief, Defendant has willfully infringed the  
24 '542 patent.

25           36. Upon information and belief, Defendant's acts of infringement of the  
26 '542 patent will continue after service of this complaint unless enjoined by the  
27 Court.

1 37. As a result of Defendant's infringement, Sony has suffered and will  
2 suffer damages.

3 38. Sony is entitled to recover from Defendant the damages sustained by  
4 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

5 39. Unless Defendant is enjoined by this Court from continuing its  
6 infringement of the '542 patent, Sony will suffer additional irreparable harm and  
7 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
8 and permanent injunction against further infringement.

9  
10 COUNT IV

11 INFRINGEMENT OF THE '847 PATENT

12  
13 40. Sony realleges and incorporates herein the allegations of the preceding  
14 paragraphs of this Complaint as if fully set forth herein.

15 41. Upon information and belief, in violation of 35 U.S.C. § 271,  
16 Defendant has infringed and is continuing to infringe, literally and/or under the  
17 doctrine of equivalents, the '847 patent by practicing one or more claims of the '847  
18 patent in the manufacture, use, offering for sale, sale, and/or importation or  
19 exportation of digital devices, including display televisions.

20 42. Upon information and belief, in violation of 35 U.S.C. § 271,  
21 Defendant has infringed and is continuing to infringe the '847 patent by contributing  
22 to and/or actively inducing the infringement by others of the '847 patent by the  
23 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
24 devices, including digital televisions.

25 43. Upon information and belief, Defendant has willfully infringed the  
26 '847 patent.

1 44. Upon information and belief, Defendant's acts of infringement of the  
2 '847 patent will continue after service of this complaint unless enjoined by the  
3 Court.

4 45. As a result of Defendant's infringement, Sony has suffered and will  
5 suffer damages.

6 46. Sony is entitled to recover from Defendant the damages sustained by  
7 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

8 47. Unless Defendant is enjoined by this Court from continuing its  
9 infringement of the '847 patent, Sony will suffer additional irreparable harm and  
10 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
11 and permanent injunction against further infringement.

12  
13 **COUNT V**

14 **INFRINGEMENT OF THE '373 PATENT**

15  
16 48. Sony realleges and incorporates herein the allegations of the preceding  
17 paragraphs of this Complaint as if fully set forth herein.

18 49. Upon information and belief, in violation of 35 U.S.C. § 271,  
19 Defendant has infringed and is continuing to infringe, literally and/or under the  
20 doctrine of equivalents, the '373 patent by practicing one or more claims of the '373  
21 patent in the manufacture, use, offering for sale, sale, and/or importation or  
22 exportation of display devices, including digital televisions.

23 50. Upon information and belief, in violation of 35 U.S.C. § 271,  
24 Defendant has infringed and is continuing to infringe the '373 patent by contributing  
25 to and/or actively inducing the infringement by others of the '373 patent by the  
26 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
27 devices, including digital televisions.



1 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
2 devices, including digital televisions.

3 59. Upon information and belief, Defendant has willfully infringed the  
4 '614 patent.

5 60. Upon information and belief, Defendant's acts of infringement of the  
6 '614 patent will continue after service of this complaint unless enjoined by the  
7 Court.

8 61. As a result of Defendant's infringement, Sony has suffered and will  
9 suffer damages.

10 62. Sony is entitled to recover from Defendant the damages sustained by  
11 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

12 63. Unless Defendant is enjoined by this Court from continuing its  
13 infringement of the '614 patent, Sony will suffer additional irreparable harm and  
14 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
15 and permanent injunction against further infringement.

16  
17 **COUNT VII**

18 **INFRINGEMENT OF THE '055 PATENT**

19  
20 64. Sony realleges and incorporates herein the allegations of the preceding  
21 paragraphs of this Complaint as if fully set forth herein.

22 65. Upon information and belief, in violation of 35 U.S.C. § 271,  
23 Defendant has infringed and is continuing to infringe, literally and/or under the  
24 doctrine of equivalents, the '055 patent by practicing one or more claims of the '055  
25 patent in the manufacture, use, offering for sale, sale, and/or importation or  
26 exportation of display devices, including digital televisions.

27 66. Upon information and belief, in violation of 35 U.S.C. § 271,  
28 Defendant has infringed and is continuing to infringe the '055 patent by contributing



1 to and/or actively inducing the infringement by others of the '055 patent by the  
2 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
3 devices, including digital televisions.

4 67. Upon information and belief, Defendant has willfully infringed the  
5 '055 patent.

6 68. Upon information and belief, Defendant's acts of infringement of the  
7 '055 patent will continue after service of this complaint unless enjoined by the  
8 Court.

9 69. As a result of Defendant's infringement, Sony has suffered and will  
10 suffer damages.

11 70. Sony is entitled to recover from Defendant the damages sustained by  
12 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

13 71. Unless Defendant is enjoined by this Court from continuing its  
14 infringement of the '055 patent, Sony will suffer additional irreparable harm and  
15 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
16 and permanent injunction against further infringement.

17  
18 **COUNT VIII**  
19 **INFRINGEMENT OF THE '468 PATENT**  
20

21 72. Sony realleges and incorporates herein the allegations of the preceding  
22 paragraphs of this Complaint as if fully set forth herein.

23 73. Upon information and belief, in violation of 35 U.S.C. § 271,  
24 Defendant has infringed and is continuing to infringe, literally and/or under the  
25 doctrine of equivalents, the '468 patent by practicing one or more claims of the '468  
26 patent in the manufacture, use, offering for sale, sale, and/or importation or  
27 exportation of display devices, including digital televisions.  
28



1       74. Upon information and belief, in violation of 35 U.S.C. § 271,  
2 Defendant has infringed and is continuing to infringe the '468 patent by contributing  
3 to and/or actively inducing the infringement by others of the '468 patent by the  
4 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
5 devices, including digital televisions.

6       75. Upon information and belief, Defendant has willfully infringed the  
7 '468 patent.

8       76. Upon information and belief, Defendant's acts of infringement of the  
9 '468 patent will continue after service of this complaint unless enjoined by the  
10 Court.

11       77. As a result of Defendant's infringement, Sony has suffered and will  
12 suffer damages.

13       78. Sony is entitled to recover from Defendant the damages sustained by  
14 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
15 Unless Defendant is enjoined by this Court from continuing its infringement of the  
16 '468 patent, Sony will suffer additional irreparable harm and impairment of the  
17 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent  
18 injunction against further infringement.

19  
20                   **COUNT IX**

21                   **INFRINGEMENT OF THE '182 PATENT**

22  
23       79. Sony realleges and incorporates herein the allegations of the preceding  
24 paragraphs of this Complaint as if fully set forth herein.

25       80. Upon information and belief, in violation of 35 U.S.C. § 271,  
26 Defendant has infringed and is continuing to infringe, literally and/or under the  
27 doctrine of equivalents, the '182 patent by practicing one or more claims of the '182  
28

1 patent in the manufacture, use, offering for sale, sale, and/or importation or  
2 exportation of display devices, including digital televisions.

3 81. Upon information and belief, in violation of 35 U.S.C. § 271,  
4 Defendant has infringed and is continuing to infringe the '182 patent by contributing  
5 to and/or actively inducing the infringement by others of the '182 patent by the  
6 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
7 devices, including digital televisions.

8 82. Upon information and belief, Defendant has willfully infringed the  
9 '182 patent.

10 83. Upon information and belief, Defendant's acts of infringement of the  
11 '182 patent will continue after service of this complaint unless enjoined by the  
12 Court.

13 84. As a result of Defendant's infringement, Sony has suffered and will  
14 suffer damages.

15 85. Sony is entitled to recover from Defendant the damages sustained by  
16 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
17 Unless Defendant is enjoined by this Court from continuing its infringement of the  
18 '182 patent, Sony will suffer additional irreparable harm and impairment of the  
19 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent  
20 injunction against further infringement.

21  
22 **COUNT X**

23 **INFRINGEMENT OF THE '472 PATENT**

24  
25 86. Sony realleges and incorporates herein the allegations of the preceding  
26 paragraphs of this Complaint as if fully set forth herein.

27 87. Upon information and belief, in violation of 35 U.S.C. § 271,  
28 Defendant has infringed and is continuing to infringe, literally and/or under the

1 doctrine of equivalents, the '182 patent by practicing one or more claims of the '472  
2 patent in the manufacture, use, offering for sale, sale, and/or importation or  
3 exportation of display devices, including digital televisions.

4 88. Upon information and belief, in violation of 35 U.S.C. § 271,  
5 Defendant has infringed and is continuing to infringe the '472 patent by contributing  
6 to and/or actively inducing the infringement by others of the '472 patent by the  
7 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
8 devices, including digital televisions.

9 89. Upon information and belief, Defendant has willfully infringed the  
10 '472 patent.

11 90. Upon information and belief, Defendant's acts of infringement of the  
12 '472 patent will continue after service of this complaint unless enjoined by the  
13 Court.

14 91. As a result of Defendant's infringement, Sony has suffered and will  
15 suffer damages.

16 92. Sony is entitled to recover from Defendant the damages sustained by  
17 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
18 Unless Defendant is enjoined by this Court from continuing its infringement of the  
19 '472 patent, Sony will suffer additional irreparable harm and impairment of the  
20 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent  
21 injunction against further infringement.

22  
23 **PRAYER FOR RELIEF**

24 WHEREFORE, Sony prays for the following relief:

25 (a) That Defendant be ordered to pay damages adequate to  
26 compensate Sony for Defendant's infringement of each of the patents-in-suit  
27 pursuant to 35 U.S.C. § 284;  
28

1 (b) That Defendant be ordered to pay treble damages for willful  
2 infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 284;

3 (c) That Defendant be ordered to pay attorneys' fees pursuant to 35  
4 U.S.C. § 285 for each of the patents-in-suit;


5 (d) That Defendant, its officers, agents, servants, employees, and  
6 those persons acting in active concert or in participation with them be enjoined from  
7 further infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 283;

8 (e) That Defendant be ordered to pay prejudgment interest;

9 (f) That Defendant be ordered to pay all costs associated with this  
10 action; and

11 (g) That Sony be granted such other and additional relief as the  
12 Court deems just and proper.

13 DATED: November 14, 2008 Respectfully submitted,

14  
15  
16 By  /FOR  
17 Kevin P.B. Johnson  
18 QUINN EMANUEL URQUHART  
19 OLIVER & HEDGES, LLP  
20  
21 Attorneys for Plaintiff  
22 SONY CORPORATION OF AMERICA  
23  
24  
25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury as to all issues so triable.

DATED: November 14, 2008      Respectfully submitted,

By  for  
Kevin P. Johnson  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES, LLP

Attorneys for Plaintiff  
SONY CORPORATION OF AMERICA